

1809.104-4

Subpart 1809.6—Contractor Team Arrangements

1809.670 Contract clause.

AUTHORITY: 42 U.S.C. 2473(c)(1).

SOURCE: 61 FR 47075, Sept. 6, 1996, unless otherwise noted.

Subpart 1809.1—Responsible Prospective Contractors

1809.104-4 Subcontractor responsibility.

Generally, the Canadian Commercial Corporation's (CCC) proposal of a firm as its subcontractor is sufficient basis for an affirmative determination of responsibility. However, when the CCC determination of responsibility is not consistent with other information available to the contracting office, the contracting officer shall request from the CCC and any other sources whatever information is necessary to make the responsibility determination.

Upon request, CCC shall be furnished the rationale for any subsequent determination of nonresponsibility.

1809.105-2 Determinations and documentation.

(a) The contracting officer shall provide written notification to a prospective contractor determined not responsible, which includes the basis for the determination. Notification provides the prospective contractor with the opportunity to take corrective action prior to future solicitations.

[76 FR 72328, Nov. 23, 2011]

Subpart 1809.2—Qualification requirements

1809.206 Acquisitions subject to qualification requirements.

1809.206-1 General. (NASA supplements paragraph (b) and (c))

(c) If an offeror seeks to demonstrate its capability, both the product and the producer must meet the established standards.

[61 FR 47075, Sept. 6, 1996, as amended at 69 FR 21763, Apr. 22, 2004]

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1809.206-70 Small businesses.

If a small business otherwise eligible for award has been placed in a special status on a Qualified Products List (Mil-Bul-103) or the Qualified Manufacturers List (QML-38510) established as a part of the NASA Microelectronics Reliability Program and the contracting officer determines that the small business does not appear to have the capacity to perform, the certificate of competency procedures in FAR subpart 19.6 are applicable.

1809.206-71 Contract clause.

When qualified products (end items or components of end items) are being procured, the contracting officer shall insert the clause at 1852.209-70, Product Removal from Qualified Products List, in the solicitation and in the resulting contract.

Subpart 1809.4—Debarment, Suspension, and Ineligibility

1809.403 Definitions.

For purposes of FAR subpart 9.4 and this subpart, the Assistant Administrator for Procurement is the “debar-ring official,” the “suspending official,” and the agency head’s “designee.”

Subpart 1809.5—Organizational and Consultant Conflicts of Interest

1809.505-4 Obtaining access to sensitive information.

(b) In accordance with FAR 9.503, the Assistant Administrator for Procurement has determined that it would not be in the Government's interests for NASA to comply strictly with FAR 9.505-4(b) when acquiring services to support management activities and administrative functions. The Assistant Administrator for Procurement has, therefore, waived the requirement that before gaining access to other companies' proprietary or sensitive (see 1837.203-70) information contractors must enter specific agreements with each of those other companies to protect their information from unauthorized use or disclosure. Accordingly, NASA will not require contractors and

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subcontractors and their employees in procurements that support management activities and administrative functions to enter into separate, inter-related third party agreements to protect sensitive information from unauthorized use or disclosure. As an alternative to numerous, separate third party agreements, 1837.203–70 prescribes detailed policy and procedures to protect contractors from unauthorized use or disclosure of their sensitive information. Nothing in this section waives the requirements of FAR 37.204 and 1837.204.

[70 FR 35554, June 21, 2005]

1809.507 Solicitation provisions and contract clause.

1809.507–2 Contract clause.

The contracting officer may insert a clause substantially the same as the clause at 1852.209–71, Limitation of Future Contracting, in solicitations and contracts.

Subpart 1809.6—Contractor Team Arrangements

1809.670 Contract clause.

The contracting officer shall insert the clause at 1852.209–72, Composition of the Contractor, in all construction invitations for bids and resulting contracts. The clause may be used in other solicitations and contracts to clarify a contractor team arrangement where the prime contractor consists of more than one legal entity, such as a joint venture.

PART 1811—DESCRIBING AGENCY NEEDS

AUTHORITY: 42 U.S.C. 2473(c)(1).

Subpart 1811.4—Delivery or Performance Schedules

1811.404–70 NASA contract clauses.

The clause at 1852.211–70, Packaging, Handling, and Transportation, must be included in solicitations and contracts for deliverable items, including software, designated as Class I (mission essential), Class II (delicate or sensitive),

or Class III (requires special handling or monitoring).

[65 FR 37062, June 13, 2000]

PART 1812—ACQUISITION OF COMMERCIAL ITEMS

Subpart 1812.3—Solicitation Provisions and Contract Clauses for the Acquisition of Commercial Items

Sec.

1812.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

Subpart 1812.70—Commercial Space Hardware or Services

1812.7000 Anchor tenancy contracts.

AUTHORITY: 42 U.S.C. 2473(c)(1).

SOURCE: 61 FR 47079, Sept. 6, 1996, unless otherwise noted.

Subpart 1812.3—Solicitation Provisions and Contract Clauses for the Acquisition of Commercial Items

1812.301 Solicitation provisions and contract clauses for the acquisition of commercial items. (NASA supplements paragraph (f))

(f)(i) The following clauses are authorized for use in acquisitions of commercial items when required by the clause prescription:

(A) 1852.214–71, Grouping for Aggregate Award.

(B) 1852.214–72, Full Quantities.

(C) 1852.215–84, Ombudsman.

(D) 1852.219–75, Small Business Subcontracting Reporting.

(E) 1852.219–76, NASA 8 Percent Goal.

(F) 1852.223–70, Safety and Health.

(G) 1852.223–71, Frequency Authorization.

(H) 1852.223–72, Safety and Health (Short Form).

(I) 1852.223–73, Safety and Health Plan.

(J) 1852.223–75, Major Breach of Safety and Security.

(K) [Reserved]

(L) 1852.228–76, Cross-Waiver of Liability for International Space Station Activities.